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Agenda item 38

Resolution adopted by the General Assembly

[without reference to a Main Committee (A/57/L.27/Rev.1 and Add.1)]

57/161. United Nations Verification Mission in Guatemala

The General Assembly,

Recalling its resolution 56/223 of 24 December 2001, in which it decided to authorize the renewal of the mandate of the United Nations Verification Mission in Guatemala from 1 January to 31 December 2002,

Taking into account the fact that the Government of Guatemala has reaffirmed its commitment to the full implementation of the peace agreements,

Underlining the fact that substantive aspects of the peace agreements have yet to be implemented and that the Commission to Follow up the Implementation of the Peace Agreements has approved a new schedule for their implementation from 2000 until the end of 2004,

Taking into account the fact that the parties have requested the United Nations to support the consolidation of the peace-building process until 2003,[1]

Taking into account also the thirteenth report of the Mission on human rights,[2]

Taking into account further the seventh report of the Secretary-General on the verification of compliance with the peace agreements,[3]

Taking into account the report of the Commission for Historical Clarification,[4]

Stressing the positive role played by the Mission in support of the Guatemala peace process, and emphasizing the need for the Mission to continue to enjoy the full support of all parties concerned,

Having considered the report of the Secretary-General on the work of the Mission[5] and the recommendations contained therein,

1. *Welcomes* the thirteenth report of the United Nations Verification Mission in Guatemala on human rights;[2]

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[1] See A/55/389, para. 9.
[2] A/57/336, annex.
[3] A/56/1003.
[4] A/53/928, annex.
[5] A/57/584.

2. *Also welcomes* the seventh report of the Secretary-General on the verification of compliance with the peace agreements;[3]

3. *Recalls* the report of the Commission for Historical Clarification[4] and the recommendations contained therein;

4. *Calls upon* the Government of Guatemala to fulfil its commitment to the full implementation of the peace agreements;

5. *Recalls* that the Commission to Follow up the Implementation of the Peace Agreements has rescheduled the pending commitments and included others not initially scheduled;

6. *Takes note* of the recommendations contained in the report of the Secretary-General[5] aimed at ensuring that the Mission can respond adequately to the demands of the peace process until 31 December 2003, as well as of his proposal for a further scaling down of the Mission in 2003;

7. *Takes note also* of the agreement reached by the parties regarding the importance of the continuing presence of the Mission in Guatemala until 2003;

8. *Takes note further* of the meeting of the Consultative Group for Guatemala, held in Washington, D.C., in February 2002, which provided new impetus for compliance with the peace agreements, and looks forward to the next Consultative Group meeting planned for the middle of 2003;

9. *Notes with satisfaction* the progress made in the implementation of the peace agreements in some areas, in particular significant legislative advances through the approval of a package of laws on decentralization and of a law criminalizing discrimination on the basis of gender, ethnicity and other criteria;

10. *Also notes with satisfaction* the election of a new Human Rights Ombudsman and a new Public Prosecutor, as well as steps taken to establish a professional judiciary;

11. *Underlines with concern* the fact that a number of key commitments remain outstanding in the areas of fiscal, judicial, military, electoral and land reform, as well as rural development and indigenous rights, and therefore urges that those commitments be implemented without further delay;

12. *Also underlines with concern* the budgetary constraints placed on institutions and programmes which are given priority under the peace process, while special budgetary transfers have been made to the armed forces, exceeding both budgetary allocations and targets of the peace agreements;

13. *Notes* that the consolidation of the peace-building process remains a significant challenge that requires a concerted national effort to guarantee the irreversibility of the peace process;

14. *Notes with concern* that the human rights situation has deteriorated, in particular the climate of intimidation has worsened amid an increase in threats and violence against judges, journalists and human rights defenders;

15. *Calls upon* the Government to implement fully the recommendations contained in the report of the Mission on human rights, in particular those related to the systematic impunity for crimes and human rights violations;

16. *Underlines* the importance of implementing fully the Agreement on Identity and Rights of Indigenous Peoples[6] as a key to fighting discrimination and consolidating peace and equality in Guatemala, and highlights the need to implement fully the Agreement on Social and Economic Aspects and Agrarian Situation[7] as a means of addressing the root causes of the armed conflict;

17. *Calls upon* the Government to implement the recommendations of the Commission for Historical Clarification, with a view to promoting national reconciliation, upholding the right to truth and providing redress for the victims of human rights abuses and violence committed during the thirty-six-year conflict, and calls upon the Guatemalan Congress to establish, as recommended, the Commission for Peace and Harmony;

18. *Welcomes* in this regard the recent agreement reached between the Government and civil society to establish a National Reparations Commission, and calls upon the Congress to adopt the draft law on the National Reparations Programme;

19. *Invites* the international community and, in particular, the agencies, programmes and funds of the United Nations, to continue to support the consolidation of the peace-building process, with the peace agreements as the framework for their technical and financial assistance programmes and projects, and stresses the continued importance of close cooperation among them in the context of the United Nations Development Assistance Framework for Guatemala;

20. *Urges* the international community to support financially, through existing mechanisms of international cooperation, the strengthening of national capacities to ensure the consolidation of the peace process in Guatemala;

21. *Also urges* the international community to support financially the strengthening of the capacities of the United Nations agencies and programmes, as the Mission will transfer some of its activities and projects to those agencies to support the national efforts to comply with the commitments of the peace agreements;

22. *Stresses* that the Mission has a key role to play in promoting the consolidation of peace and the observance of human rights and in verifying compliance with the revised timetable for the implementation of pending commitments under the peace agreements;

23. *Takes note* of the request of the Government of Guatemala for an extension of the mandate of the Mission until the end of 2004, taking into account the fact that the new Administration is scheduled to take office in January 2004;

24. *Notes* that civil society organizations and members of the international community have expressed concerns that voids will be created, particularly in the areas of human rights, indigenous rights, demilitarization and the strengthening of civil society, if the Mission departs Guatemala at the end of 2003, just as the new Government takes office and before it has been able to demonstrate its commitment to the peace process;

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[6] A/49/882-S/1995/256, annex.

[7] A/50/956, annex.

25. *Welcomes* the intention of the Secretary-General to initiate consultations with interested Member States regarding these requests and to keep the General Assembly apprised of progress in these talks;

26. *Decides* to authorize the renewal of the mandate of the United Nations Verification Mission in Guatemala from 1 January to 31 December 2003;

27. *Requests* the Secretary-General to submit, as early as possible, an updated report to the General Assembly at its fifty-eighth session, together with his recommendations regarding the best way to accompany Guatemala in its peace-building process beyond 31 December 2003;

28. *Also requests* the Secretary-General to keep the General Assembly fully informed of the implementation of the present resolution.

76th plenary meeting
16 December 2002